

REMARKS

Claims 1, 2, 4 and 12 were rejected under 35 U.S.C. § 102(e) as being anticipated by Stieler. This rejection is traversed for the following reasons.

Claim 1 has been amended to recite "conductive, metal corrugated tubing including convolutions of peaks and valleys; a conductive polymer jacket disposed along a length of said corrugated tubing, said conductive polymer jacket forming a conductive path from the jacket to the corrugated tubing." This arrangement prevents charge from building up on an insulative jacket. Rather, charge is conducted through the polymer jacket, to the metal tubing and through metal fittings as described in Applicant's specification, paragraph [0018].

Stieler fails to teach or suggest this feature. In applying Stieler, the Examiner considered inner layer 34 as corresponding to the claimed corrugated tubing. Stieler, however, teaches that the inner layer 34 is thermoplastic material which is melt processible (column 6, lines 35-39). Thus, Stieler fails to teach or suggest a metal corrugated tubing as recited in claim 1.

For the above reasons, claim 1 is patentable over Stieler. Claims 2, 4, and 12 depend from claim 1 and are patentable over Stieler for at least the reasons advanced with respect to claim 1.

Claims 1, 2, 4 and 12 were rejected under 35 U.S.C. § 102(e) as being anticipated by Noone. This rejection is traversed for the following reasons.

Claim 1 has been amended to recite "conductive, metal corrugated tubing including convolutions of peaks and valleys; a conductive polymer jacket disposed along a length of said corrugated tubing, said conductive polymer jacket forming a conductive path from the jacket to the corrugated tubing." This arrangement prevents charge from building up on an insulative jacket. Rather, charge is conducted through the polymer jacket, to the metal tubing and through metal fittings as described in Applicant's specification, paragraph [0018].

Noone fails to teach or suggest this feature. In applying Noone, the Examiner considered inner layer 14 as corresponding to the claimed corrugated tubing. Noone, however, teaches that the inner layer 14 is a permeation resistant, chemical resistant, fuel

resistant thermoplastic material which is melt processible (column 2, lines 16-21). Thus, Noone fails to teach or suggest a metal corrugated tubing as recited in claim 1.

For the above reasons, claim 1 is patentable over Noone. Claims 2, 4, and 12 depend from claim 1 and are patentable over Noone for at least the reasons advanced with respect to claim 1.

Claims 7-10 and 13 were rejected under 35 U.S.C. § 103 as being unpatentable over Noone or Stieler. Claims 7-10 depend from claim 1 and are patentable over Noone and Stieler for at least the reasons advanced with respect to claim 1. Claim 13 recites features similar to those in claim 1 and is patentable over Noone and Stieler for at least the reasons advanced with respect to claim 1.

Claims 3, 6, and 11 were rejected under 35 U.S.C. § 103 as being unpatentable over Noone or Stieler in view of Crisman. Claims 3, 6, and 11 depend from claim 1 and are patentable over Noone and Stieler and Crisman for at least the reasons advanced with respect to claim 1.

Claim 5 was rejected under 35 U.S.C. § 103 as being unpatentable over Noone in view of Ostrander. Claim 5 depends from claim 1 and are patentable over Noone and Ostrander for at least the reasons advanced with respect to claim 1.

It is believed that the foregoing amendments and remarks are fully responsive to the Office Action and that all the claims herein are now allowable.

In the event the Examiner has any queries regarding the instantly submitted Amendment, Applicant's attorney respectfully requests the courtesy of a telephone conference to discuss any matters in need of attention.

If there are any additional charges with respect to this response or otherwise,

please charge them to Deposit Account No. 06-1130.

Respectfully submitted,

By: 

David A. Fox
Registration No. 38,807
CANTOR COLBURN LLP
55 Griffin Road South
Bloomfield, CT 06002
Telephone (860) 286-2929
Facsimile (860) 286-0115
Customer No. 23413

Date: December 22, 2004

OME-0017

6